United States Bankruptcy Court Central District of California Los Angeles Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

9:00 AM 2:00-00000

Chapter

#1.00 Hearings in Judge Bason's courtroom (1545) are now simultaneously (1) IN PERSON in the courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone.

You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered).

You do not need to call Chambers for advance approval or notice.

ZoomGov appearances are free.

ZoomGov Instructions for all matters on today's calendar:

Meeting ID: 160 300 4077

Password: 073689

Meeting URL: https://cacb.zoomgov.com/j/1603004077

Telephone: +1 669 254 5252 or +1 646 828 7666 or 833 568 8864 (Toll Free)

Please connect at least 5 minutes before the start of your hearing, and wait with your microphone muted until your matter is called.

CHAPTER 13: Persons needing to contact the Chapter 13 Trustee's attorney, either prior to the hearing or during a recess, can call Kaleen Murphy, Esq. at (213) 996-4433.

Docket 0

Tentative Ruling:

- NONE LISTED -

Los Angeles Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

<u>10:00 AM</u>

2:19-15840 **Juan Manuel Soto, Jr.**

Chapter 13

#1.00 Hrg re: Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST CO.,

VS

DEBTOR

Docket 33

*** VACATED *** REASON: APO

Tentative Ruling:

Party Information

Debtor(s):

Juan Manuel Soto Jr. Represented By

Matthew D. Resnik

Movant(s):

Deutsche Bank National Trust Represented By

Sean C Ferry

Fanny Zhang Wan

Trustee(s):

Kathy A Dockery (TR) Pro Se

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

10:00 AM

2:19-16487 Amalia Corrales Zambrano

Chapter 13

#2.00 Hrg re: Motion for relief from stay [RP]

THE BANK OF NEW YORK MELLON

٧S

DEBTOR

Docket 53

Tentative Ruling:

Grant as set forth below.

<u>Proposed order(s)</u>: Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

<u>Appearances are not required</u>. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted Tentative Rulings.

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. *See In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Deny the request to waive the 14-day stay provided by FRBP 4001(a) (3) for lack of sufficient cause shown.

Los Angeles Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

<u>10:00 AM</u>

CONT... Amalia Corrales Zambrano

Chapter 13

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

Party Information

Debtor(s):

Amalia Corrales Zambrano Represented By

James F Drake IV

Movant(s):

The Bank of New York Mellon FKA Represented By

Ciro Mestres

Dane W Exnowski

Trustee(s):

Kathy A Dockery (TR) Pro Se

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

10:00 AM

2:20-13926 Jose Francisco Santos

Chapter 13

#3.00 Hrg re: Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST CO

VS

DEBTOR

Docket 42

Tentative Ruling:

Continue to 2/15/22 at 10:00 a.m. pursuant to the parties' stipulation (dkt. 44). In future, the parties are directed to lodge a proposed order approving any stipulation(s) to continue hearings. <u>Appearances are not required</u> on 1/4/22. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted Tentative Rulings.

Party Information

Debtor(s):

Jose Francisco Santos Represented By

Sanaz Sarah Bereliani

Movant(s):

Deutsche Bank National Trust Represented By

Dane W Exnowski Josephine E Salmon

Trustee(s):

Kathy A Dockery (TR) Pro Se

Los Angeles Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

10:00 AM

2:20-16729 Jack Gene Warren, Jr. and Elyse Ivy Watenmaker

Chapter 13

#4.00 Hrg re: Motion for relief from stay [RP]

LAKEVIEW LOAN SERVICING, LLC

٧S

DEBTOR

Docket 73

Tentative Ruling:

Appearances required.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted Tentative Rulings.

Analysis

Debtor has requested commencement of this Court's Loan Modification Management ("LMM") Program (dkt. 77), and in general, when such requests have been granted in the past, this Court has taken any associated motion for relief from the automatic stay off calendar, without prejudice to the movant resetting the motion by filing and serving a notice of a new hearing date. As of the preparation of this tentative ruling, the time for any objection to the LMM request has not expired, so the parties are directed to appear and apprise this Court if they oppose taking this motion for relief from the automatic stay off calendar (*i.e.*, temporarily denying the motion without prejudice) pending a grant or denial of Debtor's requested loan modification.

Party Information

Debtor(s):

Jack Gene Warren Jr.

Represented By Barry E Borowitz

Joint Debtor(s):

Elyse Ivy Watenmaker

Represented By

12/30/2021 10:05:50 AM

Page 6 of 37

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022 Hearing Room

10:00 AM

CONT... Jack Gene Warren, Jr. and Elyse Ivy Watenmaker Chapter 13

Barry E Borowitz

1545

Movant(s):

Lakeview Loan Servicing, LLC Represented By

Christina J Khil

Trustee(s):

Kathy A Dockery (TR) Pro Se

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

10:00 AM

2:21-12832 Alexander Zerkovsky

Chapter 7

#5.00 Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK, N.A.

VS

DEBTOR

Docket 37

Tentative Ruling:

Grant as set forth below.

<u>Proposed order(s)</u>: Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

<u>Appearances are not required</u>. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at <u>www.cacb.uscourts.gov</u>, then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted Tentative Rulings.

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. *See In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Deny the request to waive the 14-day stay provided by FRBP 4001(a) (3) for lack of sufficient cause shown.

Co-debtor stay

Los Angeles Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

<u>10:00 AM</u>

CONT... Alexander Zerkovsky

Chapter 7

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

Party Information

Debtor(s):

Alexander Zerkovsky Represented By

Khachik Akhkashian

Movant(s):

Wells Fargo Bank, N.A. Represented By

Josephine E Salmon

Trustee(s):

Carolyn A Dye (TR) Pro Se

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

10:00 AM

2:21-14891 Juanita Eleanora Bibbs

Chapter 13

#6.00 Hrg re: Motion for relief from stay [RP]

FREEDOM MORTGAGE CORPORATION

٧S

DEBTOR

Docket 32

Tentative Ruling:

Grant as set forth below.

<u>Proposed order(s)</u>: Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

<u>Appearances are not required</u>. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted Tentative Rulings.

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. *See In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Deny the request to waive the 14-day stay provided by FRBP 4001(a) (3) for lack of sufficient cause shown.

Co-debtor stay

Los Angeles Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

10:00 AM

CONT... Juanita Eleanora Bibbs

Chapter 13

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

Party Information

Debtor(s):

Juanita Eleanora Bibbs Represented By

Raj T Wadhwani

Movant(s):

FREEDOM MORTGAGE Represented By

Dane W Exnowski

Trustee(s):

Kathy A Dockery (TR) Pro Se

Los Angeles Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

10:00 AM

2:21-18702 Yiwen Chen

Chapter 13

#7.00 Hrg re: Motion for relief from stay [RP]

NINA HUANG

VS

DEBTOR

Docket 16

Tentative Ruling:

Continue to 1/18/22 at 10:00 a.m. in view of the large amount of alleged equity in the property, and the conversion to chapter 7 (see dkt. 26, 29). **No later than 1/6/22**, Movant is directed to file and serve a notice of the continued hearing, along with a copy of the motion papers, on the chapter 7 trustee and file a proof of service. <u>Appearances are not required</u> on 1/4/22. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted Tentative Rulings.

Party Information

Debtor(s):

Yiwen Chen Represented By

Kevin Tang

Movant(s):

Nina Huang Represented By

Christopher J Langley

Trustee(s):

Kathy A Dockery (TR) Pro Se

12/30/2021 10:05:50 AM

Page 12 of 37

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

10:00 AM

2:19-14775 Rhonda Bear

Chapter 13

#8.00 Hrg re: Motion for relief from stay [PP]

AUTO FINANCIAL SERVICES, INC.

٧S

DEBTOR

Docket 47

Tentative Ruling:

Grant as set forth below.

<u>Proposed order(s)</u>: Unless otherwise ordered, Movant is directed to lodge proposed order(s) on the foregoing matter(s) via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

<u>Appearances are not required</u>. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at www.cacb.uscourts.gov, then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted Tentative Rulings.

Termination

Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2).

To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See In re Ervin (Case No. 14-bk-18204-NB, docket no. 311).

Effective date of relief

Grant the request to waive the 14-day stay provided by FRBP 4001(a) (3).

Co-debtor stay

Any co-debtor stay (11 U.S.C. 1301(c)) has not been shown to have

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

10:00 AM

CONT... Rhonda Bear

Chapter 13

any basis for any different treatment from the stay under 11 U.S.C. 362(a), so the tentative ruling is to grant the identical relief regarding any co-debtor stay.

Party Information

Debtor(s):

Rhonda Bear Represented By

David Samuel Shevitz

Movant(s):

AUTO FINANCIAL SERVICES, Represented By

Michael D Vanlochem

Trustee(s):

Kathy A Dockery (TR) Pro Se

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

10:00 AM

2:19-23754 Clara Lila Gonzales

Chapter 13

#9.00 Cont'd hrg re: Motion for relief from stay [RP]

fr. 10/26/21, 11/30/21

BANK OF AMERICA, NA

٧S

DEBTOR

Docket 47

Tentative Ruling:

Appearances required.

The parties stipulated to continue the hearings on 10/26/21 and 11/30/21 to this date to allow time for Debtor to seek a loan modification. See dkt. 49, 51, 52, 54 & 55. There is no tentative ruling but the parties should be prepared to provide an update on the status of those efforts.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted tentative rulings.

Party Information

Debtor(s):

Clara Lila Gonzales Represented By

Steven A Alpert

Movant(s):

Bank of America, N.A. Represented By

Chad L Butler

Trustee(s):

Kathy A Dockery (TR) Pro Se

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

11:00 AM

2:21-16293 Shelly A Walker

Chapter 7

Adv#: 2:21-01219 PAWNEE LEASING CORPORATION v. Walker

#1.00 Status conference re: Complaint for determination of nondischargeability of debt pursuant to 11 U.S.C. sections 523(a)(2)(A),(4) & (6)

Docket 1

Tentative Ruling:

<u>Appearances required</u>. There is no tentative ruling but the parties are directed to address the issues set forth below.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

This Court has reviewed the parties' joint status report (adv.dkt. 4) and the other filed documents and records in this adversary proceeding.

(a) Settlement efforts

The joint status report indicates that the parties planned to engage in settlement discussions prior to this status conference (adv.dkt. 4, p. 3). At the hearing, the parties should be prepared to address the status of their settlement efforts, and how they intend to resolve their dispute.

(2) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

(a) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented.

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

11:00 AM

CONT... Shelly A Walker

Chapter 7

See generally Stern v. Marshall, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); Wellness Int'l Network, Ltd. v. Sharif, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); In re Bellingham Ins. Agency, Inc., 702 F.3d 553 (9th Cir. 2012) (implied consent), aff'd on other grounds, 134 S. Ct. 2165 (2014); In re Pringle, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); In re Deitz, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). See generally In re AWTR Liquidation, Inc., 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(b) Mediation

Is there is any reason why this Court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below? The tentative ruling is to set a **deadline of 1/18/22** for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will chose among them, or issue his own order).

(c) Deadlines

This adversary proceeding has been pending since 11/1/21.

Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Joinder of parties/amendment of pleadings-deadline: 2/14/22

Discovery cutoff (for completion of discovery): 4/1/22

<u>Expert(s) - deadline for reports</u>: 4/8/22 if any expert testimony will be presented.

<u>Expert(s) - discovery cutoff (if different from above)</u>: 4/20/22 if any expert testimony will be presented.

Dispositive motions to be heard no later than: 5/31/22

Joint Status Report: 2/15/22

Continued status conference: 3/1/22 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: 6/6/22

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

11:00 AM

CONT... Shelly A Walker

Chapter 7

Pretrial conference: 6/21/22 at 2:00 p.m.

Deliver trial exhibits to other parties and chambers, including direct testimony by declaration unless excused: 6/25/22 at noon (for the format of exhibits and other trial procedures, please see the Procedures of Judge Bason (posted at www.cacb.uscourts.gov) then search for "Trial Practice" BUT, at least during the COVID-19 shut down of the courtroom, also see the forms of order regarding video trials, posted on Judge Bason's portion of the Court's above-referenced web page)

Trial commencement: 6/27/22 at 9:00 a.m.

Party Information

Debtor(s):

Shelly A Walker Represented By

Stella A Havkin

Defendant(s):

Shelly A Walker Pro Se

Plaintiff(s):

PAWNEE LEASING Represented By

Irwin M Wittlin

Trustee(s):

John P Pringle (TR) Pro Se

Los Angeles Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

11:00 AM

2:16-16363 Lake Mathews Mineral Properties, LTD

Chapter 7

Adv#: 2:20-01160 Merritt, an individual v. PECAS LLC, a Delaware Limited Liability

#2.00 Cont'd Status Conference re: Complaint for 1) Declaratory Relief to Quiet Title;
 2) Violation of California Business and Professions Code Section 17200 for an Unlawful Business Practice;
 3) Actual Fraudulent Transfer fr. 9/29/20, 3/23/21, 7/20/21, 11/30/21

Docket 1

*** VACATED *** REASON: Adversary proceeding dismissed by Court

Tentative Ruling:

Party Information

Debtor(s):

Lake Mathews Mineral Properties, Represented By

Michael Jay Berger Cassandra J Richey

Shirley Smith - SUSPENDED -

Defendant(s):

PECAS LLC, a Delaware Limited Pro Se

Chabad Temple Inc Pro Se

Plaintiff(s):

Paul Merritt, an individual Pro Se

Trustee(s):

Elissa Miller (TR) Represented By

Franklin C Adams

Juliet Y Oh

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

1:00 PM

2:20-14175 Tea Station Investment Inc.

Chapter 11

#1.00 Cont'd hrg re: Debtor's Motion Objecting to Proof of Claims of Baodi Zhou, or in the Alternative, Motion to Estimate Claims fr. 04/27/21, 5/4/21, 6/15/21, 8/31/21, 9/14/21, 9/28/21, 10/26/21, 11/30/21

Docket 184

*** VACATED *** REASON: Cont'd to 1/25/22 at 1:00 p.m. [dkt. 329]

Tentative Ruling:

Party Information

Debtor(s):

Tea Station Investment Inc. Represented By

Leslie A Cohen

Movant(s):

Tea Station Investment Inc. Represented By

Leslie A Cohen Leslie A Cohen

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

1:00 PM

2:20-14175 Tea Station Investment Inc.

Chapter 11

#2.00 Cont'd Status Conference re: Chapter 11 Case fr. 7/28/20, 9/1/20, 9/15/20, 9/29/20, 12/22/20, 1/26/21, 3/9/21, 4/6/21, 04/27/21, 5/4/21, 6/1/21, 6/15/21, 8/3/21, 8/31/21, 9/14/21, 9/28/21,10/26/21, 11/30/21

Docket 15

*** VACATED *** REASON: Cont'd to 1/25/22 at 1:00 p.m. [dkt. 329]

Tentative Ruling:

Party Information

Debtor(s):

Tea Station Investment Inc. Represented By

Leslie A Cohen

Movant(s):

Tea Station Investment Inc. Represented By

Leslie A Cohen Leslie A Cohen

Trustee(s):

John-Patrick McGinnis Fritz (TR)

Pro Se

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

<u>1:00 PM</u>

2:21-16429 Wasatch Co.

Chapter 11

#3.00 Cont'd hrg re: Motion for Protective Order Quashing

Debtor's Rule 2004 Examination of Kaiser

fr. 11/30/21

Docket 93

*** VACATED *** REASON: Per parties' Stipulation (dkt 108)

Tentative Ruling:

Party Information

Debtor(s):

Wasatch Co. Represented By

Leslie A Cohen

Trustee(s):

Susan K Seflin (TR) Pro Se

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

1:00 PM

2:21-16429 Wasatch Co.

Chapter 11

#4.00 Con'td Status Conference re: Chapter 11 Case fr. 9/14/21, 10/12/21, 10/26/21, 11/30/21

Docket 1

*** VACATED *** REASON: This matter has been continued to 03/01/22 at 1:00 p.m. per parties' Stipulation (dkt. 108)

Tentative Ruling:

Party Information

Debtor(s):

Wasatch Co.

Represented By Leslie A Cohen

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

<u>2:00 PM</u>

2:18-24302 GL Master Inc

Chapter 7

#1.00 Cont'd hrg re: Motion for Stay Pending Appeal

fr. 12/14/21

Docket 445

Tentative Ruling:

Tentative Ruling for 1/4/22:

Appearances required.

There is no tentative ruling. The parties are directed to address modifications to the Forensic Order (dkt. 431) pursuant to this Court's Memorandum Decision (dkt. 464) and Order setting this hearing (dkt. 465).

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted Tentative Rulings.

[PRIOR TENTATIVE RULING(S) OMITTED]

Party Information

Debtor(s):

GL Master Inc Represented By

Thomas J Polis

Trustee(s):

Edward M Wolkowitz (TR) Represented By

Juliet Y. Oh

Richard P Steelman Jr

Los Angeles Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

2:00 PM

2:19-23664 Liat Talasazan

Chapter 7

#2.00 Cont'd hrg re: Motion for Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542 35th Street Properties fr 3/23/21, 4/6/21, 4/27/21, 5/11/21, 6/29/21, 7/20/21, 8/3/21, 8/31/21, 9/28/21, 10/12/21, 10/26/21, 12/14/21

Docket 543

Tentative Ruling:

Tentative Ruling for 1/4/22:

Please see the tentative ruling for the status conference (Calendar No. 3, 1/4/22 at 2:00 p.m.).

[PRIOR TENTATIVE RULINGS OMITTED]

Party Information

Debtor(s):

Liat Talasazan Represented By

Giovanni Orantes Luis A Solorzano

Movant(s):

Caroline Renee Djang (TR)

Represented By

David Wood

Trustee(s):

Caroline Renee Djang (TR) Represented By

David Wood

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

2:00 PM

2:19-23664 Liat Talasazan

Chapter 7

#3.00 Cont'd Status Conference re: Chapter 7 Case fr. 1/28/20, 2/18/20, 3/3/20, 3/10/20, 03/31/20, 4/7/20, 5/12/20, 5/19/20, 6/2/20, 6/16/20, 7/28/20, 8/18/20, 9/1/20, 9/15/20, 9/29/20, 10/27/20, 12/1/20, 12/22/20, 2/9/21, 03/02/21, 3/23/21, 4/6/21, 5/11/21, 6/29/21, 7/20/21, 8/31/21, 9/28/21, 10/12/21, 10/26/21, 12/14/21

Docket 49

Tentative Ruling:

Tentative Ruling for 1/4/22:

Appearances required.

(1) Current issues

(a) Motion of Oxygen Funding, Inc. to approve compromise with Debtor ("Compromise Mot.," dkt. 765)

This matter is not set for hearing today, but it is being addressed on a preliminary basis as part of this Court's review of the case at the Status Conference that is on for hearing today. At the hearing on 12/14/21 this Court anticipated that the parties would be filing supplemental papers addressing the concerns this Court raised in the 12/14/21 tentative ruling (copied below). There is no tentative ruling, but the parties should be prepared to address the status of this motion.

(b) <u>Trustee's Motion for turnover of 35th Street Properties, accounting re Jefferson property, etc. (dkt. 543, 544), Debtor's response (dkt. 562), Oxygen's joinder (dkt. 568), Trustee's reply (dkt. 569, 570), Order granting certain relief requested in the motion (dkt. 578)</u>

There is no tentative ruling. The Trustee should be prepared to address whether this matter has been mooted, or should be taken off calendar, or continued.

(c) Oxygen v. Talasazan (21-01041), Adv. Status Conf. See above.

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

2:00 PM

CONT... Liat Talasazan

Chapter 7

- (d) <u>United States Trustee v. Talasazan (21-01114)</u>, <u>Adv. Status Conf.</u> Continue as set forth in the tentative ruling for calendar no. 5 (1/4/22 at 2:00 p.m.). Appearances are not required on this matter.
- (2) <u>Deadlines/dates</u>. This case was filed on 11/20/19, converted from chapter 13 to chapter 11 on 1/2/20, designated by Debtor as a Subchapter V case on 3/2/20 (dkt.128), and converted to chapter 7 on 12/1/20 (dkt. 412).
 - (a) <u>Continued status conference</u>: 3/1/22 at 11:00 a.m. No written status report required.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted tentative rulings.

Tentative Ruling for 12/14/21:

<u>Appearances required</u> by counsel for Oxygen Funding, Inc., counsel for Debtor, and the Chapter 7 Trustee or her counsel.

(1) Current issues

(a) Motion of Oxygen Funding, Inc. to approve compromise with Debtor ("Compromise Mot.," dkt. 765)

This matter is not set for hearing today, but it is being addressed on a preliminary basis as part of this Court's review of the case at the Status Conference that is on for hearing today. First, this Court notes that Debtor has sought a delay in approving the stipulation until her family law matters are resolved, which she projects will be by "early February of 2022." Debtor Response (dkt. 773), p. 3:18-20. The parties are invited, but not required, to address this issue, as a matter of scheduling, at this time.

Second, this Court notes that the parties have agreed that certain dollar amounts shall be "nondischargeable <u>under 11 U.S.C. 523</u>." Compromise Mot. (dkt. 765), p. 7:26, and Ex. 1, end of 1st page (at PDF p. 19) (emphasis added). On the other hand, even though Debtor is agreeing to nondischargeability, she does not appear to concede, even as part of the settlement, any underlying facts that would give rise to nondischargeability. See Debtor Response (dkt. 773), para. 9 (p. 3:3-6). In other words, Debtor

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

2:00 PM

CONT... Liat Talasazan

Chapter 7

appears to be wanting it both ways: conceding nondischargeability without, even in settlement of disputed issues, conceding any basis for nondischargeability.

This Court questions whether it is appropriate for it to find and conclude that a debt is nondischargeable under section 523 without specifying the factual basis and appropriate subsection of section 523. The parties are invited, but not required, to address that issue at this time.

(b) <u>First interim fee application of Chapter 7 Trustee (dkt. 758), no opposition on file</u>

Allow \$90,936.88 in fees and \$2,176.32 in expenses, for a total interim award of \$93,113.20, for the period from 12/3/20 (the approximate date of conversion of this case to chapter 7) through 10/31/21, and authorize and direct payment of the full amounts allowed by the bankruptcy estate.

<u>Proposed order</u>: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

(c) <u>First interim fee application of Marshack Hays (dkt. 752),</u> Declaration of Chapter 7 Trustee in support (dkt. 772), no opposition on file

Allow \$102,031.00 in fees and \$4,405.15 in expenses, for a total interim award of \$106,436.15, and authorize and direct payment of the full amounts allowed by the bankruptcy estate.

<u>Proposed order</u>: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

(d) <u>First and final fee application of former Subchapter V Trustee (dkt. 757)</u>, no opposition on file

Allow \$80,946.00 in fees and \$2,867.63 in expenses, for a total award of \$83,813.63, for the period from 3/10/20 (the approximate date on which Debtor's bankruptcy petition was amended to elect to proceed under Subchapter V of chapter 11) through 12/2/20 (the approximate date of conversion of this case to chapter 7). Authorize and direct the Chapter 7 Trustee to pay 50% of the allowed amount out of estate assets at this time, as requested in the Application, and defer payment of the remaining 50%. See dkt. 757, p. 16:26-27.

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

2:00 PM

CONT... Liat Talasazan

Chapter 7

<u>Proposed order</u>: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

(e) <u>Final fee application of former chapter 11 bankruptcy counsel for</u> <u>Debtor while Debtor was a debtor-in-possession, The Orantes Law Firm (dkt. 761)</u>, <u>Debtor's declaration in support (dkt. 769)</u>, no opposition on file

Allow \$61,004.00 in fees and \$841.56 in expenses, for a total award of \$61,845.56, for the period 1/2/20 through 6/5/20 (the approximate date when Debtor was removed as a debtor in possession of the estate, and replaced by the Subchapter V Trustee with expanded powers). The tentative ruling is to authorize and direct payment of the full amounts allowed minus any prepetition retainer funds remaining in Applicant's client-trust account.

<u>Proposed order</u>: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

(f) Final fee application of former chapter 11 bankruptcy counsel for debtor following removal of debtor as debtor-in-possession, The Orantes Law Firm (dkt. 762), Debtor's declaration in support (dkt. 770), no opposition on file

The tentative ruling is to find and conclude that Applicant's request for fees and reimbursement of expenses is reasonable. Specifically, the application for \$39,437.00 in fees and \$950.25 in expenses, for a total award of \$40,387.25 (for the period from 6/6/20, after Debtor was removed as debtor in possession, through 12/3/20) is reasonable compensation and reimbursement for the services performed on behalf of Debtor, in her individual capacity.

The tentative ruling is to direct Debtor to pay the full amounts allowed. <u>Proposed order</u>: Unless otherwise ordered, Applicant is directed to lodge a proposed order on the foregoing matter via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)).

(g) <u>Trustee's Motion for turnover of 35th Street Properties, accounting</u> re Jefferson property, etc. (dkt. 543, 544), Debtor's response (dkt. 562), Oxygen's joinder (dkt. 568), Trustee's reply (dkt. 569, 570), Order granting motion (dkt. 578)

There is no tentative ruling. The Trustee should be prepared to

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

2:00 PM

CONT... Liat Talasazan

Chapter 7

address whether this matter has been mooted, or should be taken off calendar, or continued.

- (2) <u>Deadlines/dates</u>. This case was filed on 11/20/19, converted from chapter 13 to chapter 11 on 1/2/20, designated by Debtor as a Subchapter V case on 3/2/20 (dkt.128), and converted to chapter 7 on 12/1/20 (dkt. 412).
 - (a) <u>Continued status conference</u>: 1/4/22 at 2:00 p.m., concurrent with other matters. No written status report required.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted tentative rulings.

[PRIOR TENTATIVE RULINGS OMITTED (see Memorialization of Tentative Rulings, dkt.208 (filed 5/19/20) and dkt.303 (filed 9/21/20). See also Order Denying Motion for Stay (dkt.441, as amended by dkt.442).]

Party Information

Debtor(s):

Liat Talasazan Represented By

Giovanni Orantes Luis A Solorzano

Trustee(s):

Caroline Renee Djang (TR)

Represented By

David Wood

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

2:00 PM

2:19-23664 Liat Talasazan

Chapter 7

Adv#: 2:21-01041 Oxygen Funding, Inc. v. Talasazan

#4.00 Cont'd Status Conference re: Complaint for Determination of Dischargeability and Objecting to Debtor's Discharge Pursuant to Sections 523 and 727 of the Bankruptcy Code fr. 5/11/21, 8/31/21, 10/26/21, 12/14/21, 12/14/21

Docket 1

Tentative Ruling:

Tentative Ruling for 1/4/22:

Please see the tentative ruling for the main case status conference (Calendar No. 3, 1/4/22 at 2:00 p.m.).

Tentative Ruling for 12/14/21:

Appearances required.

See this Court's concerns set forth in the Status Conference in the bankruptcy case in chief (calendar no. 10, 12/14/21 at 11:00 a.m.). Subject to addressing those concerns, the tentative ruling is to continue this matter to 1/4/22 at 2:00 p.m. to as a holding date, to be taken off calendar if: (i) this Court enters an order approving the parties proposed settlement motion (2:19-bk-23664-NB, dkt. 765) and (ii) the parties file appropriate papers dismissing this proceeding prior to the continued hearing.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted tentative rulings.

Tentative Ruling for 10/26/21:

Continue as set forth below. <u>Appearances are not required</u> on 10/26/21. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at <u>www.cacb.uscourts.gov</u>, then search for "tentative rulings.")

(1) Current issues

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

2:00 PM

CONT... Liat Talasazan

Chapter 7

This Court has reviewed the parties' joint status report (adv. dkt. 19) and the other filed documents and records in this adversary proceeding.

(a) Resolution of this proceeding

Based on the parties' representation that this matter has settled (adv. dkt. 19, p.4, para. "(g)"), the tentative ruling is to continue this matter as set forth below for the parties to (x) file a motion to approve settlement with a hearing concurrent with the continued status conference or, if appropriate, (y) file a notice of dismissal.

If neither of those things have occurred by the date of the continued status conference, this Court anticipates dismissing this proceeding for failure to prosecute.

(2) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 7).

(b) Mediation

This matter was assigned to mediation on 5/26/21 (adv. dkt. 16).

(c) Deadlines

This adversary proceeding has been pending since 3/8/21. Applicable dates have been memorialized in this Court's scheduling order (adv. dkt. 9) and later modified by stipulation of the parties (adv. dkt. 11) and order thereon (adv. dkt. 13); but in view of the parties' settlement the tentative ruling is to vacate all pending deadlines, except as follows:

Joint Status Report: n/a

Continued status conference: 12/14/21 at 11:00 a.m.

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov

Los Angeles Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

2:00 PM

CONT... Liat Talasazan

Chapter 7

telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted tentative rulings.

Party Information

Debtor(s):

Liat Talasazan Represented By

Giovanni Orantes Luis A Solorzano

Defendant(s):

Liat Talasazan Represented By

Giovanni Orantes

Plaintiff(s):

Oxygen Funding, Inc. Represented By

Vonn Christenson

Trustee(s):

Caroline Renee Djang (TR)

Represented By

David Wood

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

2:00 PM

2:19-23664 Liat Talasazan

Chapter 7

Adv#: 2:21-01114 United States Trustee (LA) v. Talasazan

#5.00 Cont"d status Conference re: Complaint to Deny the Debtor's Discharge Pursuant to 11 U.S.C. Sections 727(a)(6)(A) and (a)(2)(B) fr. 8/31/21

Docket 1

Tentative Ruling:

Tentative Ruling for 1/4/22:

Continue as set forth below. <u>Appearances are not required</u> on 1/4/22. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at <u>www.cacb.uscourts.gov</u>, then search for "tentative rulings.")

If you are making an appearance, note that hearings are now simultaneously (1) in person in the courtroom, (2) via ZoomGov video, and (3) via ZoomGov telephone. For ZoomGov instructions for <u>all</u> matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 17) and the other filed documents and records in this adversary proceeding. This Court has no issues to raise *sua sponte* at this time, but anticipates setting pretrial and trial dates at the continued status conference.

(2) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

(a) Venue/jurisdiction/authority

Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 10).

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

2:00 PM

CONT... Liat Talasazan

Chapter 7

(b) Mediation [Intentionally omitted]

(c) <u>Deadlines</u>

This adversary proceeding has been pending since 6/23/21. The scheduled deadlines and/or hearing/trial date(s) have been memorialized in this Court's written order (adv. dkt. 15) except as modified/supplemented below.

Joint Status Report: 3/29/22.

Continued status conference: 4/12/22 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers, including direct

testimony by declaration unless excused: TBD

Trial commencement: TBD

Tentative Ruling for 8/31/21:

Appearances required.

(A) Current issues

This Court has reviewed the parties' joint status report (adv. dkt. 10) and the other filed documents and records in this adversary proceeding.

(B) Standard requirements

The following are Judge Bason's standard requirements for status conferences. (To the extent that the parties have already addressed these issues in their status report, they need not repeat their positions at the status conference.)

(1) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. See generally Stern v. Marshall, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); Wellness Int'l Network, Ltd. v. Sharif, 135 S.Ct. 1932 (2015) (consent must be knowing and

Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

2:00 PM

CONT... Liat Talasazan

Chapter 7

voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.,* 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(2) Mediation [Intentionally omitted]

(3) Deadlines

This adversary proceeding has been pending since 6/23/21. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Joinder of parties/amendment of pleadings-deadline: 11/16/21

Discovery cutoff (for completion of discovery): 11/30/21

Expert(s) - deadline for reports: N/A

Expert(s) - discovery cutoff (if different from above): N/A

Dispositive motions to be heard no later than: 1/4/22

Joint Status Report: 12/21/21

Continued status conference: 1/4/22 at 2:00 p.m.

Lodge Joint Proposed Pre-Trial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers, including direct

testimony by declaration unless excused: TBD

Trial commencement: TBD

If appearances are <u>not</u> required at the start of this tentative ruling but you wish to dispute the tentative ruling, or for further explanation of "appearances required/are not required," please see the Posted Procedures of Judge Bason (available at <u>www.cacb.uscourts.gov</u>) then search for "tentative rulings." If appearances <u>are</u> required, and you fail to appear without adequately resolving this matter by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing. Pursuant to Judge Bason's Procedures, hearings are now simultaneously (1) IN PERSON in the

Los Angeles Judge Neil Bason, Presiding Courtroom 1545 Calendar

Tuesday, January 4, 2022

Hearing Room

1545

2:00 PM

CONT... Liat Talasazan

Chapter 7

courtroom, (2) via ZOOMGOV video, and (3) via ZOOMGOV telephone. You are free to choose <u>any</u> of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless

evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. For ZoomGov instructions for <u>all</u> matters on calendar, please see the tentative ruling for the first matter on today's calendar (*i.e.*, page 1 of the posted tentative rulings). Unless otherwise stated, appearances via CourtCall are no longer permitted.

Party Information

Debtor(s):

Liat Talasazan Represented By

Giovanni Orantes Luis A Solorzano

Defendant(s):

Liat Talasazan Pro Se

Plaintiff(s):

United States Trustee (LA) Represented By

Noreen A Madoyan

Trustee(s):

Caroline Renee Djang (TR)

Represented By

David Wood